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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,364	10/25/2001	Yair Oren	20568-67235	1468
26291	7590	02/08/2005	EXAMINER	
MOSER, PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702			BELLO, AGUSTIN	
			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,364

Applicant(s)

OREN, YAIR

Examiner

Agustin Bello

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2 and 7-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. although the applicant claims a "third" through "sixth" receiver in the node, the applicant fails to disclose these receivers in the specification.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2 and 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear to the examiner whether there are more than two receivers in certain nodes or whether the applicant has used a way of labeling certain receivers according to which node they are in. Clarification of the claims is required.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "fifth receiver" and "sixth

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receiver," must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-12 and 22-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korowitz (U.S. Patent No. 4,482,980).

Regarding Claim 1, Korowitz teaches first and second optical fibers for carrying information modulated on an optical carrier (reference numerals 28, 30 in Figure 1), at least two nodes at a first one of which information modulated on the carrier is to be recovered and transmitted (column 4 lines 46-51), the first node including apparatus for receiving and transmitting the information (reference numeral 24, 25 in Figure 1), the apparatus for receiving and transmitting the information including a first receiver (reference numeral 32 in Figure 2) for recovering the information from the optical carrier carried on the first optical fiber, a second receiver (the optical detector in OEI 25 in Figure 2) for recovering information modulated on the optical carrier carried on the second optical fiber, a transmitter for modulating data information on the second optical fiber (the optical transmitter in OEI 25 in Figure 2) and a first splitter for splitting a signal carried on the first optical fiber, the first splitter coupled to the first optical fiber and the first receiver (reference numeral 36 in Figure 2). Korowitz differs from the claimed invention in that Korowitz fails to specifically teach a first optical splitter for splitting the optical carrier on the first optical fiber. One skilled in the art would clearly have recognized that although Korowitz teaches an electrical splitter and selector (reference numeral 36 in Figure 2) for splitting a converted optical signal to one of three electrical lines, one could have easily chosen to employ an all optical approach in order to reduce the possibility of signal loss due to conversion from an optical signal to an electrical signal. One skilled in the art would have been further motivated to use an all optical approach in order to increase reliability, being that the electrical splitter and selector taught by Korowitz is susceptible to mechanical failure. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a splitter capable of splitting the optical carrier carried on the first

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optical fiber (an optical splitter) as opposed to an the electrical splitter and selector taught by Korowitz in order to avoid signal loss and to increase reliability.

Claims 2, 8, 10, and 12 recite limitations similar to those of claim 1. Therefore, claims 2, 8, 10, and 12 lack an inventive step for the same reasons as those stated regarding claim 1 above. Furthermore, mere duplication of parts for a multiplied effect is not the type of innovation for which a patent monopoly is to be granted.

Regarding Claims 3-6, 22-27, and 28-57, Korowitz teaches a means for recovering an optical carrier from and returning an optical carrier to the first and second optical fiber (see Figure 2).

Regarding Claims 7, 9, and 11, although Korowitz fails to teach a third or fourth receiver as claimed, mere duplication of parts for a multiplied effect is not the type of innovation for which a patent monopoly is to be granted.

8. Claims 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korowitz in view of Haller (U.S. Patent No. 4,704,713).

Regarding Claims 13, 14, 16, 17, 19, and 21, Korowitz differs from the claim invention in that Korowitz fails to teach that the first and second receiver are coupled to a selection function which selects between the optical carrier from the first optical fiber and the optical carrier from the second optical fiber. However, Korowitz does suggest a recovery feature that allows one node to circumvent problem nodes in the event of a fault in the system (column 9 lines 4-42). One skilled in the art would clearly have recognized that in order to prevent loss of information in an optical communication system, one could have used a working and a protection fiber and further would have recognized the benefits of having the ability to switch

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between the two fibers in the event of a fault in the system. Haller, in the same filed of endeavor, teaches that it is well known in the art to employ a selection function that selects which of two receivers will receive a signal from one of two optical carriers from one of two optical fibers (reference numeral 241 in Figure 2b) in the event of a fault in the system. One skilled in the art would clearly have appreciated the ability to use the teachings of Haller in the device of Korowitz in order to achieve a selection means between two fibers. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ a selection function which selects between the optical carrier from the first or second optical fiber, as taught by Haller, and apply those teachings to the device of Korowitz in order to prevent the loss of information in the event of a fault in the system.

Claims 15, 18, and 20 recite limitations similar to those of claims 13, 14, 16, 17, 19, and 21. Therefore, claims 15, 18, and 20 lack an inventive step for the same reasons as those stated regarding claims 13, 14, 16, 17, 19, and 21 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agustin Bello whose telephone number is (571) 272-3026. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Agustin Bello
Examiner
Art Unit 2633

AB



AGUSTIN BELLO
PATENT EXAMINER